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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KIM SMITH,

Plaintiff,

v.

JAMES MORGAN, et al.,

Defendants.

Civil No. 1:01-CV-0817

(Judge William W. Caldwell)

(M.J. Malachy E. Mannion)✓

FILED
HARRISBURG, PA
JAN 31 2003
MATTHEW DIANDREA, CLERK
Deputy Clerk

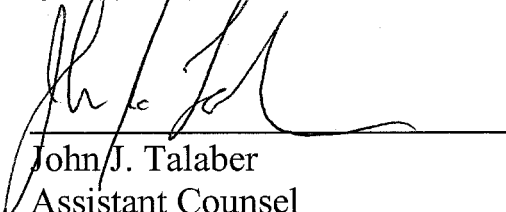
**CORRECTIONS DEFENDANTS' MOTION TO FILE INDEPENDENT
BRIEFS BASED ON CLAIMS INVOLVED AND PARTIES**

The Corrections Defendants, by and through their attorney, John J. Talaber, Assistant Counsel, Pennsylvania Department of Corrections, pursuant to either Fed.R.Civ.P. 21, respectfully requests this Honorable Court to sever this action into three (3) causes of action (based on the claims and parties involved), for purposes of their Motion for Summary Judgment and Statements of Material Facts. Additionally, the Corrections Defendants request a stay of the Briefing Schedule pending a decision on this Motion. A supporting Brief to this Motion will be filed on Monday, February 3, 2003.

WHEREFORE, for the reasons set forth in their Supporting Brief, the Corrections Defendants respectfully request the Court to grant their Motion to Sever.

Respectfully submitted,
Office of General Counsel

BY:



John J. Talaber
Assistant Counsel
Pa. Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444
Attorney No. 83279

Dated: January 31, 2003

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JURY TRIAL DEMANDED

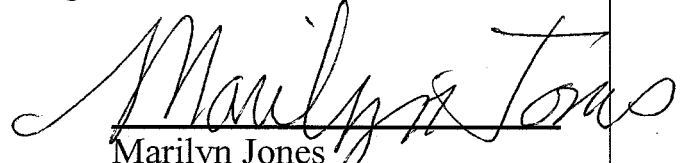
CERTIFICATE OF SERVICE

I undersigned hereby certify that a copy of the Corrections Defendants' Motion to Sever in this matter was served upon the person(s) in the manner indicated below.

Service by first-class mail
addressed as follows:

Kim Smith, CT-2162
SCI-Coal Township
1 Kelley Drive
Coal Township, PA 17866-1020

James D. Young, Esquire
Lavery, Faherty, Young and Patterson, P.C.
301 Market Street
P.O. Box 1245
Harrisburg, PA 17108-1245


Marilyn Jones
Clerk Typist II

PA Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444
Dated: January 31, 2003